

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JACK RUNSER,	:	
	:	
Plaintiff,	:	Case No. 3:21-cv-160
	:	
v.	:	
	:	Judge Thomas M. Rose
CITY OF DAYTON, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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**ENTRY AND ORDER DENYING STIPULATED MOTION FOR DISMISSAL  
WITH PREJUDICE (DOC. NO. 61)**

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This matter is before the Court on the Parties Stipulated Motion for Dismissal with Prejudice (“Motion”) (Doc. No. 61). In the Motion, the Parties states, “[t]he Parties further agree and request that the Court enter an Order retaining jurisdiction over the Parties’ settlement of this matter to the extent applicable and necessary.” (*Id.* at PageID 444.)

As the Court ordered in its Order of Dismissal in this case, “Parties intending to preserve this Court’s jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994) and incorporate appropriate language in any substituted judgment entry. The undersigned also requires that, if the parties intend to preserve this Court’s jurisdiction, then they must submit to the Court a copy of the fully-executed settlement agreement (either by filing it on the docket or emailing it to his chambers).” (Doc. No. 58 at PageID 439.) The Court will not retain jurisdiction without first reviewing the fully-executed settlement agreement. Consequently, the Court **DENIES** Stipulated Motion for Dismissal with Prejudice (Doc. No. 61).

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, October 10, 2023.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE